



SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 456 be amended to read as follows:

- 1 Page 5, line 25, delete "An" and insert "**Except as provided in**
- 2 **subsection (i), an**".
- 3 Page 5, line 40, delete "Any" and insert "**Except as provided in**
- 4 **subsection (i), any**".
- 5 Page 6, line 36, delete "Where" and insert "**Except as provided in**
- 6 **subsection (i), where**".
- 7 Page 7, line 8, after "made" delete ":".
- 8 Page 7, strike lines 9 through 11.
- 9 Page 7, line 12, strike "(B)".
- 10 Page 7, line 12, after "employer" insert ";".
- 11 Page 7, line 12, strike "or the department;".
- 12 Page 7, delete lines 14 through 32, begin a new paragraph and
- 13 insert:
- 14 "**(i) Liability for repayment of benefits paid to an individual,**
- 15 **including an individual employed by an employer electing to make**
- 16 **payments in lieu of contributions, shall be waived if:**
- 17 **(1) the benefits were received by the individual without fault**
- 18 **of the individual; and**
- 19 **(2) the benefits were the result of payments made:**
- 20 **(A) during the pendency of an appeal before an**
- 21 **administrative law judge or the review board under**
- 22 **IC 22-4-17 under which the individual is determined to be**
- 23 **ineligible for benefits; or**
- 24 **(B) because of an error by the department.**
- 25 SECTION 4. IC 22-4-13-4, AS ADDED BY P.L.172-2011,
- 26 SECTION 128, IS AMENDED TO READ AS FOLLOWS
- 27 [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) This section applies to an

- 1 individual:
- 2 (1) for whom the department has established an overpayment by
- 3 a final written determination under section 1(a) or 1(b) of this
- 4 chapter; ~~and~~
- 5 **(2) whose liability for repayment is not waived under section**
- 6 **1(i) of this chapter; and**
- 7 ~~(2)~~ **(3) whose overpayment amount that is due and payable equals**
- 8 **or exceeds:**
- 9 (A) the individual's weekly benefit amount; multiplied by
- 10 (B) four (4).
- 11 (b) Notwithstanding any other law and subject to subsection (c), an
- 12 individual is entitled to repay the established amount of an
- 13 overpayment over a period:
- 14 (1) beginning on the date the determination of the amount of the
- 15 overpayment is final; and
- 16 (2) ending on a date not later than the date occurring thirty-six
- 17 (36) months after the date specified in subdivision (1).
- 18 (c) An individual to whom this section applies may repay an
- 19 overpayment over time as provided in subsection (b) not more than
- 20 once during the individual's lifetime.
- 21 SECTION 5. IC 22-4-13-5 IS ADDED TO THE INDIANA CODE
- 22 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 23 1, 2015]: **Sec. 5. (a) Notwithstanding any other law, the department**
- 24 **shall waive an individual's liability for repayment of benefits that**
- 25 **were paid to an individual not entitled to receive them if:**
- 26 **(1) the individual received the benefits after July 1, 2011;**
- 27 **(2) the individual received the benefits without fault of the**
- 28 **individual; and**
- 29 **(3) the individual was not entitled to receive the benefits solely**
- 30 **as the result of changes in the unemployment insurance law**
- 31 **made by HEA 1450-2011 (P.L.2-2011).**
- 32 **(b) Benefits for which repayment is waived under subsection (a)**
- 33 **shall be charged to the fund and not to:**

- 1 **(1) the experience account of any employer; or**
- 2 **(2) an employer making payments in lieu of contributions."**
- 3 Renumber all SECTIONS consecutively.
 (Reference is to SB 456 as printed February 6, 2015.)

Senator TALLIAN